

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DISABILITY RIGHTS RHODE
ISLAND,

Plaintiff,

v.

C.A. No.: 1:24-cv-00101

KATELYN MEDEIROS in her official
Capacity as Acting Child Advocate,
THE OFFICE OF THE CHILD
ADVOCATE

Defendant.

AGREED UPON PROTECTIVE ORDER

The Plaintiff, Disability Rights Rhode Island (“DRRI” or “Plaintiff”), has filed a Complaint and Preliminary Injunction in this civil action concerning certain records Plaintiff requested from the Defendant, the Office of the Child Advocate, and Katelyn Medeiros the Acting Child Advocate (“OCA” or “Defendant”). The Plaintiff and Defendant (collectively, the “Parties”), hereby stipulate and agree to the following Protective Order (“Agreement”) in order to bring this litigation to a conclusion.

WHEREAS, the Defendant denies the allegations of the Complaint and Preliminary Injunction;

WHEREAS, the parties agree that it is in the best interests of all involved to resolve these matters without further and protracted litigation;

NOW, THEREFORE, the parties agree to the following:

1. The contested records at issue in this litigation is an unredacted copy of a report that resulted from the OCA's investigation of St. Mary's Home for Children in North Providence, RI dated December 19, 2023 ("unredacted report").
2. The unredacted report is deemed confidential, whether or not there is such marking on the document.
3. Disclosure of this unredacted report is prohibited unless it is in accordance with the applicable Federal and State laws as outlined in Paragraph 4 and 5 of this Agreement.
4. Plaintiff shall comply with the confidentiality provisions of all applicable Federal and State laws as the duly designated state Protection and Advocacy system ("P&A") for individuals with disabilities, including but not limited to 45 C.F.R. § 1326.28, the implementing regulations to the Developmental Disabilities Assistance and Bill of Rights Act ("DD Act"); and 42 U.S.C. § 10806 and 42 C.F.R. § 51.45, the Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI").
5. Pursuant to 42 U.S.C. § 10806(a), DRRI must "maintain the confidentiality of such records to the same extent as is required of the provider of such services" and as such, is bound by R.I.G.L. § 42-73-10, the state statute governing confidentiality for the Office of the Child Advocate. However, nothing in this agreement shall require DRRI to seek an order of the Family Court prior to releasing confidential information from the unredacted report, in accordance with Paragraph 7 of this Agreement.
6. Pursuant to the applicable Federal and State laws, DRRI must keep all records and information confidential pertaining to:
 - a. the youth whose names appear in the unredacted report; and
 - b. the individuals who reported incidents of abuse or neglect.

7. Nothing in this Agreement shall prevent DRRI from reporting the results of an investigation to responsible investigative or enforcement agencies which maintains the confidentiality of the individuals listed above, except that DRRI may reveal the identity of youth and information related to their treatment if:
- a. DRRI receives a complaint that the youth has been or may be subject to abuse and neglect, or has probable cause to believe that the youth has been or may be subject to abuse or neglect;
 - b. DRRI determines there is probable cause to believe the health or safety of the youth is in serious and immediate jeopardy; or
 - c. The youth has died.
8. The provisions of this Agreement shall continue in effect with respect to the unredacted report and such effectiveness shall survive dismissal of the above-mentioned case.

Stipulated to and submitted by:
Plaintiff,
By their attorney,

/s/ Kristine L. Sullivan
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Defendant,
By their attorney,

/s/Shannon L. Haibon
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IT IS SO ORDERED:



Hon. William E. Smith, District Judge
United States District Court for the District of Rhode Island